

BYLAWS OF THE SEXUAL OFFENDER MANAGEMENT BOARD

ARTICLE I

NAME & PURPOSE

- 1.1 Name.** The name of this Board shall be the Sexual Offender Management Board for the state of Idaho.
- 1.2 Authority.** The Sexual Offender Management Board (hereinafter Board) is created pursuant to section 18-8312, Idaho Code, effective July 1, 2011. The Board derives its authority pursuant to section 18-8314, Idaho Code.
- 1.3 Purpose.** The primary purpose of the Board shall be to develop, advance and oversee statewide sexual offender management policies and practices for adult and juvenile offenders, as demonstrated by *evidence-based best practices*. To that end it shall:
- A. Establish standards for sexual risk assessments, to include psychosexual evaluations or any variation thereof as ordered by the courts;
 - B. Establish standards for sexual offender treatment programs;
 - C. Establish qualifications and administer a certification process for:
 - i. Professionals conducting psychosexual evaluations pursuant to section 18-8316, Idaho Code, or adjudication proceedings on juvenile sexual offenders;
 - ii. Professionals providing treatment to adult or juvenile sexual offenders as ordered or required by the court, Idaho Department of Correction, Idaho Commission of Pardons and Parole, or the Idaho Department of Juvenile Corrections; and
 - iii. Professionals conducting post-conviction sexual offender polygraphs as ordered or required by the court, Idaho Department of Correction, Idaho Commission of Pardons and Parole, or the Idaho Department of Juvenile Corrections.
 - D. Establish and carryout protocols for quality assurance of adherence to the standards and qualifications set by the Board;
 - E. Establish standard protocols for juvenile probation and for adult probation and parole conditions of sexual offender supervision;
 - F. Establish standard protocols for a risk-based sexual offender registration classification system; Develop a comprehensive and sustainable professional development program for all public and private providers of sexual offender

management services to enhance the capacity and quality of sex offender treatment services;

- G. Design a model for a continuum of risk-and-need-based sex offender treatment programming, to include all community, institutional and residential services for adult and juvenile offenders;
- H. Establish and carry out protocols to provide for oversight by the Idaho Criminal Justice System for governmental scrutiny; and
- I. Establish and carry out protocols for public notice and comment periods prior to implementing procedures and standards set by the Board.

ARTICLE II

MEMBERS

2.1 Number, Appointment and Qualification.

A. The Governor appoints the Board members. A representative of the judiciary shall serve on the Board in a non-voting capacity and is appointed by the Chief Justice of the Supreme Court.

B. The Board shall consist of the following ten (10) members:

1. One (1) member with expertise in the assessment and treatment of adult sexual offenders;
2. One (1) member with expertise in the assessment and treatment of juveniles who have been adjudicated for sexual offenses;
3. One (1) member with expertise in cultural diversity and behavior of offenders as they relate to assessment and treatment;
4. One (1) representative from the Idaho Department of Correction;
5. One (1) representative from the Idaho Department of Juvenile Correction;
6. One (1) attorney with experience in the prosecution of sexual offenders;
7. One (1) attorney with experience in the defense of sexual offenders;
8. One (1) representative from the Idaho Sheriffs' Association;
9. One (1) representative from the public;
10. One (1) non-voting representative of the Judiciary as designated by the Chief Justice.

2.2 Tenure. The Board members who are appointed by the Governor shall serve a term of three (3) years, with the only exception being the inaugural membership being appointed to serve staggering three (3), four (4) and five (5) year terms. The Board member who represents the judiciary shall serve a term of four (4) years.

2.3 Power and Rights. In addition to such powers and rights as are vested by law, or these bylaws, the members shall have such other powers and rights as the membership may determine in accordance with the Idaho Code and Constitution.

2.4 Removal. The Governor may remove members of the Board as provided in section 18-8313, Idaho Code. The Chief Justice may remove the Board's judiciary representative.

2.5 Resignation. A member who is appointed by the Governor must deliver a written resignation to the Governor, and a copy to the Chair.

- 2.6 Travel and Compensation.** Board members shall be reimbursed for expenses, including related travel and per diem to attend Board meetings, in accordance with the Idaho state travel policies and procedures. Board members who are not public employees will be compensated as provided by section 59-509(o), Idaho Code.
- 2.7 Conflict of Interest.** Board members should make every effort to assure the public that no conflicts of interest exist in the management of Board business. When conflicts do occur, the Board member shall abstain from voting in conflict of interest situations. (See Article V.) The general standard of conduct is to avoid any action that might result in or create the appearance of the use of public office for private gain; or giving preferential treatment; or impeding governmental efficiency or economy; or the loss of independence and impartiality in the decision-making process; or making decisions outside of the official decision-making process; or any action that would create a lack of public confidence in the integrity of the Board.

ARTICLE III

OFFICERS AND AGENTS

- 3.1 Number and Qualification.** The officers of the Board shall be a Chair and Vice-Chair.
- 3.2 Selection.** The Board selects the Chair and Vice-Chair.
- 3.3 Term.** The Chair and Vice-Chair shall each hold office for two (2) consecutive years and may be reappointed at the expiration of their terms.
- 3.4 Chair and Vice Chair.** The Chair shall be the chief executive officer of the Board and shall have general charge and supervision of the affairs of the Board with the consent of the members. The Chair shall preside at all meetings of the Board. The Vice-Chair shall have duties and powers, as the members shall determine. The Vice-Chair shall have and may exercise all the powers and duties of the Chair during the absence of the Chair or in the event of his or her inability to act.
- 3.5 Election Procedure.** The Chair and Vice-Chair shall be nominated by a Board member motion in open meeting. Motion must be seconded with majority affirmative vote to become final. The Chair and Vice-Chair selection will take place during a regular autumn meeting in odd numbered years.
- 3.6 Resignation.** The Chair may submit a resignation letter to the Board. The Vice-Chair may resign by delivering a letter to the Chair. Such resignation shall be effective upon receipt (unless specified to be effective at some other time), and acceptance thereof shall not be necessary to make the resignation effective.
- 3.7 Vacancies.** If the office of Vice-Chair becomes vacant, the members may elect a successor. Each successor shall hold office for the remainder of the term, or until he or she sooner dies, resigns, is removed or becomes disqualified.
- 3.8 Conflict of Interest.** If both the Chair and Vice-Chair have a conflict of interest on any matter taken up by the Board, the Chair shall designate another Board member to preside over the Board in that matter.
- 3.9 Appointment of Subcommittees.** It shall be the duty of the Chair, with approval of the Board, to establish subcommittees responsible to act as directed by the members. It shall be the duty of the Chair, with approval of the members, to appoint Chairs of all subcommittees. The Chairs of such subcommittees shall be chosen from standing members. Subcommittees shall have no legal authority to act, but shall report their findings and recommendations to the members.

ARTICLE IV

MEETINGS

- 4.1 Regular Meetings.** Meetings will normally be held in Boise, Idaho at a date and time determined by the Chair. No less than quarterly meetings will be held in a calendar year. Members may join a regular meeting by telephonic or other electronic means as deemed practical and at the discretion of the Chair; however, personal attendance is preferred.
- 4.2 Special Meetings.** Special meetings may be called by the Chair on an as needed basis. Special meetings may be held by telephonic or other electronic means as deemed practical at the discretion of the Chair.
- 4.3 Call and Notice.**
- A. Meetings. Reasonable notice of the time and place of meetings of the members shall be given to each member. Such notice need not specify the purposes, unless otherwise required by law or these bylaws or unless there is to be considered at the meeting amendments to these bylaws.
 - B. Reasonable and Sufficient Notice. It shall be reasonable and sufficient notice to send a member notice by mail, e-mail, facsimile or by telephone at least seven (7) calendar days before a meeting, addressed to such member at his or her usual or last known business address, e-mail address, fax number or telephone number. In such case that a special meeting is called, notice shall be as soon as practical.
 - C. Public Notice. Notice of the time and place of all meetings shall be in accordance with the Idaho Open Meeting Law as provided in chapter 23, title 67, Idaho Code.
- 4.4 Quorum.**
- A. Definition. A majority of appointed Board members shall constitute a quorum.
 - B. Determination of Quorum. If a quorum is not present at the scheduled time of the meeting, business may be provisionally transacted. Ratification of provisionally transacted business shall occur at such time as a quorum is present, or at the next regular meeting. If following the declaration of a quorum, Board members leave, no longer establishing a present majority, the quorum is lost.
- 4.5 Action by Vote.** The vote on any action required or permitted to be taken, shall be taken and recorded in open meeting as dictated by the Idaho Open Meeting Law. Each member, representing a particular agency shall have one (1) vote. When a quorum is present, a majority of the votes properly cast by members present shall decide any question, unless otherwise provided by law or these bylaws.

- 4.6 Attendance.** Board members are expected to attend every meeting. In the event a Board member or representative cannot attend, the member shall notify the designated Idaho Department of Correction staff member in a timely manner. Participation by telephonic or electronic means shall be deemed as actual attendance. A Board member shall not send a representative more than twice in a twelve (12) month period. This limitation shall not apply to the Judiciary member.
- 4.7 Proxies.** Members cannot vote by absentee ballot. Any member can send a representative to attend a meeting with approval by the Chair. The representative shall be authorized to vote at the meeting.
- A. A member's representative shall be from an equal or reasonably similar discipline, and where applicable, from the same organization as the member.
 - B. A representative's vote shall convey the opinion of the member he/she is representing.
 - C. A representative for the Judiciary member shall be recommended by the Chief Justice.
 - D. Representatives shall be responsible for informing the member of meeting discussions and resulting actions.
- 4.8 Absences.** Two (2) consecutive absences without representation or three (3) absences within a six (6) month period of time shall trigger a review of the ability of the member to participate in the Board's duties and responsibilities. After review, the Chair, in consultation with the Chair of the Idaho Criminal Justice Commission shall have the option of asking the board member to resign and initiating the process to replace the Board member.
- 4.9 Executive Session.** The Board may conduct business in executive session in accordance with the Idaho Open Meeting Law.
- 4.10 Subcommittees.** Subcommittees shall meet on an as-needed basis. Recommendations of subcommittees shall be ratified by a majority of Board members at a regular or special meeting. These bylaws shall be amended as needed to incorporate subcommittee rules of order.
- 4.11 Minutes.** Minutes shall be kept of all regular and special meetings of the Board, and shall be approved at the next appropriate meeting. Minutes of all subcommittee meetings shall be kept.

ARTICLE V

ETHICS AND CONFLICT OF INTEREST

- 5.1 Declaration.** All Board members shall make a declaration orally or in writing during a regular, special, or committee meeting of the Board, which will be included in the minutes, of any conflict of interest or appearance of a conflict of interest. The Board member should not participate in the discussion if a conflict of interest is declared but may answer questions of the Board. It is the responsibility of the Chair to enforce this section.
- 5.2 Abstention from Motions and Voting.** A Board member shall abstain from making a motion, seconding a motion, or voting on any matter in which the member has a conflict of interest or the appearance of a conflict of interest. The minutes shall reflect any abstention.
- 5.3 Responsibility of Board Members and Staff.** If a Board member or an Idaho Department of Correction staff person is aware of a conflict of interest or appearance of conflict of interest of a Board member, such person shall bring the conflict to the attention of the Chair.
- 5.4 Prohibitions.** No Board member shall accept any fee, gratuity, or other consideration of any kind or nature from any person, unit, agency or organization for the purpose of influencing a vote, decision or recommendation of a Board member or staff member on a matter before the Board.

Further reference Idaho Statutes: Title 59, chapter 7, Ethics in Government; Title 18, chapter 13, Bribery and Corrupt Influences Act; Idaho Attorney General's Office Ethics in Government Manual.

ARTICLE VI

AMENDMENTS

These bylaws may be amended at any regular meeting of the Board by a two-thirds vote of the voting members, provided that the amendment has been submitted in writing at the previous regular meeting.

ARTICLE VII

DISSOLUTION

The Board may be dissolved by legislative action.

ARTICLE VIII

RULES OF PROCEDURES

The conduct of the Board shall be governed by the Idaho Open Meeting law. All matters not covered by law, these by-laws, or policies and procedures that have been approved by the Board shall be governed by the most recently published version of Robert's Rules of Order.